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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/797,441

03/09/2004

Michael Harty

D-1222 R2

4488

28995 7590 11/08/2007

RALPH E. JOCKE
walker & jocke LPA
231 SOUTH BROADWAY
MEDINA, OH 44256

EXAMINER

MCCLAIN, GERALD

ART UNIT

PAPER NUMBER

3653

MAIL DATE

DELIVERY MODE

11/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,441

Applicant(s)

HARTY ET AL.

Examiner

Gerald W. McClain

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) 21 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of Invention I in the reply filed on 21 September 2007 is acknowledged. The traversal is on the ground(s) that "the Office has not shown the Groups I and II to be distinct from each other". This is not found persuasive because the Office Action set forth proper reasons for restriction.

The requirement is still deemed proper and is therefore made FINAL.

Claims 21-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention II, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 21 September 2007.

Claim Objections

Claim 20 is objected to because of the following informalities: "the opposite end" is not clearly disclosed as belonging to the dispenser or the picker shaft. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 3-4 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnis, et al. (US 6,296,245) ("Donnis") in view of Hiroshi (Japanese Patent 10-025033). Donnis teaches:

Claim 1: automated banking machine currency dispenser picker arrangement (100; column 1, lines 6-11); picker shaft (28); drive shaft (110); picker roller (27); currency cassette (13); drive end (See Fig. 2, bottom end of 28); drive mating portion (See FIG. G1 below, C); opposite end (See FIG. G1 below, D); resilient tab portion (15b; Note: portion of 15b connected to D supports D);

Claim 4: portion of a currency dispenser wall (15b; Note: the wall is inherently metal)

Claims 10-11: a stripper arrangement (130); pivotable stripper shaft (59); stripper roller (58; column 4, lines 62-65);

Claim 12: resilient member (124);

Claim 13: metal spring tab (124; the tab is inherently metal); a dispenser body (34);

Claim 14: stripper shaft retaining member (143; column 4, 35+).

Donnis does not directly show:

Claim 1: male mating portion; female mating portion; drive mating portion; other of the male mating portion; [other of the] female mating portion.

Hiroshi shows a similar device having:

Claim 1 ("G2"): male mating portion (21); female mating portion (22); drive mating portion (drawing 1); other of the male mating portion (23); [other of the] female mating portion (25);

for the purpose of easily replacing a picker roller from the front side of the device (paragraph [0008]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Donnis as taught by Hiroshi and include Hiroshi's similar device having the structures of G2 for the purpose of easily replacing a picker roller from the front side of the device.

Claims 2 and 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnis in view of Toda, et al. (U.S. 2003/0006546) ("Toda"). Donnis teaches all the limitations of the claims as discussed above and an opening (location where 28 intersects 15b). Donnis does not directly show a spring tab.

Toda shows a similar device having a spring tab (37; Note: in the Donnis reference the wall is inherently metal; therefore, Toda is only required to teach the structure of the spring tab) for the purpose of facilitating the attachment of a shaft (paragraph [0043]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Donnis as taught by Toda and include Toda's similar device having a spring tab for the purpose of facilitating the attachment of a shaft.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnis in view of Hiroshi. Donnis teaches all the limitations of the claims as discussed above. Donnis does not directly show an opening extending only partly through the tab.

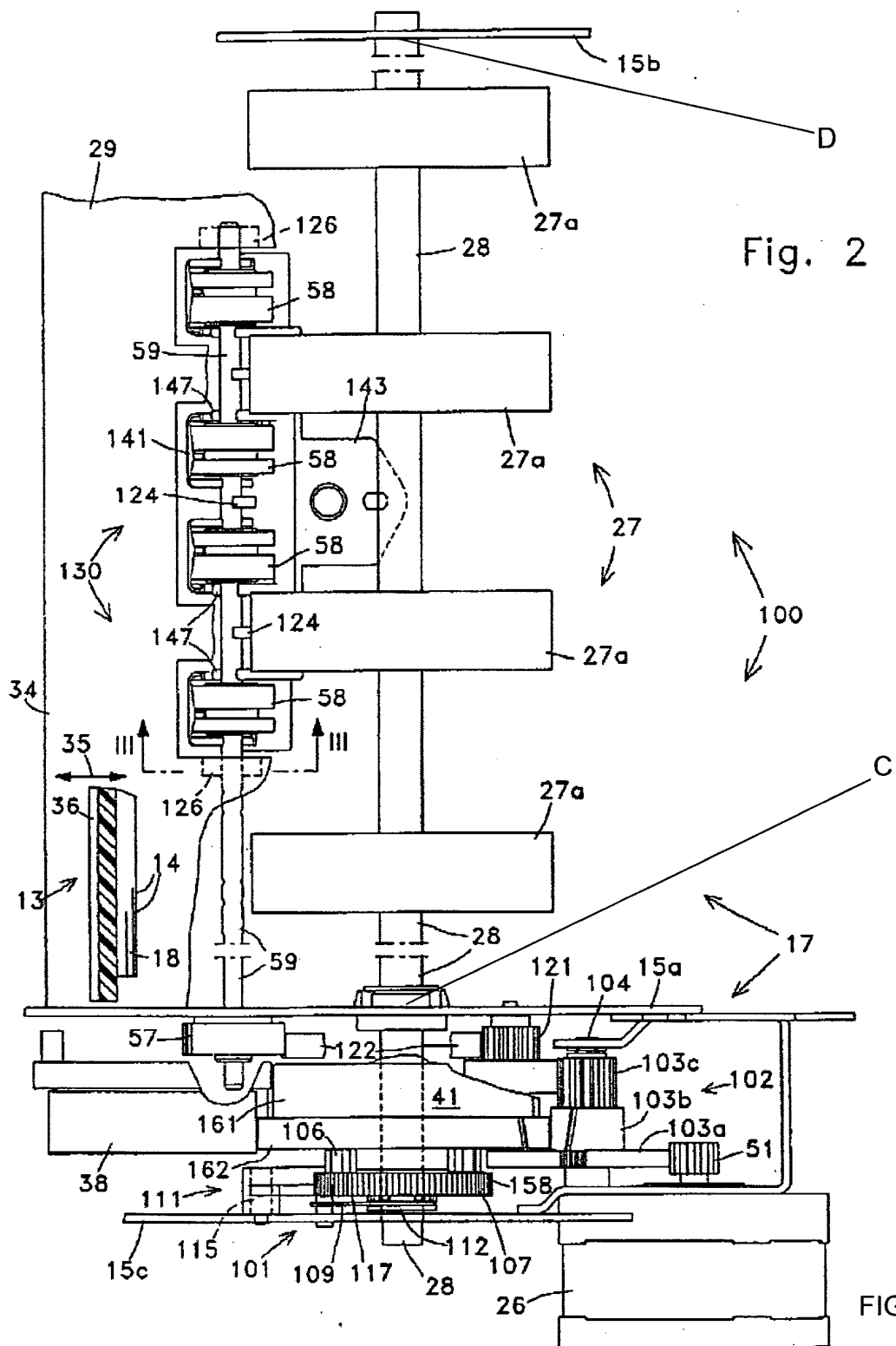
Hiroshi shows a similar device having an opening extending only partly through the tab (25) for the purpose of regulating rotation (paragraph [0024]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Donnis as taught by Hiroshi and include Hiroshi's similar device having an opening extending only partly through the tab for the purpose of regulating rotation.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Donnis in view of Tanaka, et al. (US 5,863,036) ("Tanaka"). Donnis teaches all the limitations of the claims as discussed above. Donnis does not directly show a pivotable take-away shaft, take-away roller, or a take-away shaft retaining member.

Tanaka shows a similar device having a pivotable take-away shaft (shaft of 78), take-away roller (78), and a take-away shaft retaining member (86; Fig. 7) for the purpose of facilitating the attachment of a shaft (paragraph [0043]). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Donnis as taught by Tanaka and include Tanaka's similar device having a spring tab for the purpose of facilitating the attachment of a shaft.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Donnis in view of Hiroshi, in further view of Toda, and further in view of Tanaka. Donnis teaches all the limitations of the claims as discussed above. Donnis does not directly show all that was taught by Hiroshi, Toda, or Tanaka above.

Hiroshi, Toda, and Tanaka show similar devices having all that was taught by Hiroshi, Toda, and Tanaka above for the purposes shown above. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention to modify Donnis as taught by Hiroshi, Toda, and Tanaka and include Hiroshi, Toda, and Tanaka's similar devices having all that was taught by Hiroshi, Toda, and Tanaka above for the purposes shown above.



Response to Arguments

Applicant's arguments filed 6 July 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that Donnis and Hiroshi are nonanalogous art (with various points), it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the structures of Donnis and Hiroshi are pertinent to the particular problem with which the applicant was concerned.

Further, "Expressions relating the apparatus to contents thereof during an intended operation are of no significance in determining patentability of the apparatus claim." See MPEP § 2115.

Applicant states, "Nor is the cylindrical seat (110) a drive pin." Under MPEP § 2106 (C), or under the broadest reasonable interpretation, Examiner construes that 110 is a drive shaft.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper *hindsight reasoning, or reconstruction*, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Conclusion

Applicant's amendment filed on 21 September 2007 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald W. McClain whose telephone number is (571) 272-7803. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571) 272-6916. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gerald W. McClain
Examiner
Art Unit 3653



PATRICK MACKAY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600